

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CLARENCE FEASTER :  
 :  
 Plaintiff : Civil Action No. 07-578(KSH)  
 :  
 v. :  
 :  
 GEORGE HAYMAN, et al. : ORDER ON INFORMAL APPLICATION  
 :  
 Defendant :

This matter having come before the Court by way of letter dated March 28, 2008, regarding defendant Correctional Medical Services' request to extend the fact discovery deadlines pending "the resolution of the issue involving . . . Roe v. Fauver;"

and it appearing that motion practice based upon whether or not the consent decree precludes any or all of plaintiff's claim should proceed as a part of summary judgment motion practice and should take place after fact discovery is completed because facts need to be developed concerning the conditions about which he had complains and whether or not they differ from the matters covered by the consent decree;

and it therefore appearing that the plaintiff's deposition should proceed unless the plaintiff asks the Court to administratively terminate the case to enable him to seek counsel;<sup>1</sup>

IT IS THEREFORE ON THIS 1st day of April, 2008

ORDERED that the request to extend the fact discovery deadline is denied; and

IT IS FURTHER ORDERED that all terms of the Order dated November 21, 2007 shall

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<sup>1</sup>The Court denied the plaintiff's request for the appointment of counsel but that does not preclude him from seeking counsel on his own. If he wants an opportunity to seek counsel and hold this case in abeyance, then he may submit a request to do so. The Court would entertain a request to administratively terminate the case for a period of no longer than 60 days to provide the plaintiff with an opportunity to secure counsel or elect to continue the case pro se. If he seeks to administratively terminate the case and does not seek to reactivate within the deadline the Court would set, then his Complaint would be dismissed.

remain in full force and effect.

/s/ Patty Shwartz

UNITED STATES MAGISTRATE JUDGE